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UNCLAS SECTION 01 OF 02 HANOI 000149

SIPDIS

SENSITIVE

E.O. 12958: N/A

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SUBJECT: VIETNAM - CONDITIONS FOR DPRK REFUGEES

REF: A. 04 STATE 275712 B. 04 STATE 275820

1. (SBU) Summary: Vietnam has not signed any international refugee convention and does not officially recognize North Koreans as refugees in need of protection. Several thousand North Koreans, however, have passed through Vietnam en route to other Southeast Asian countries where they have received protection, or in some cases, en route to South Korea directly. Most North Koreans passing through Vietnam do not stop; those who do require assistance from and sometimes the protection of foreign embassies against refoulement. The U.S. Embassy in Hanoi has not experienced any incidents involving North Koreans requesting asylum or assistance, but other western embassies have. The Embassy and the Consulate General in Ho Chi Minh City are ill-equipped to accommodate asylum seekers, especially those who might not be able to leave the grounds for days or weeks pending diplomatic resolution of their cases. Vietnam would not accept any official USG assistance program for North Koreans on Vietnamese soil. End Summary.

International Refugee Protection

2. (SBU) North Korean refugees in Vietnam have no access to formal international refugee protection. The UNHCR has an office in Hanoi, but the Vietnamese authorities do not recognize North Koreans as refugees, and Vietnam is not a signatory to any international refugee convention. As a result, North Koreans who appear in Vietnam and attempt to present themselves to the UNHCR or foreign embassies or consulates run the risk of arrest and deportation (most likely to China) for immigration violations. UNHCR Hanoi notes that no North Korean has ever presented himself at the UNHCR and requested assistance. The UNHCR is involved, however, with quiet negotiations between the South Korean Embassy, the GVN and some foreign embassies that have received asylum-seeking North Koreans. In most cases, the GVN agrees to a quiet departure for the North Koreans. In some cases, however, North Koreans have been deported to China, according to UNHCR officials.

3. (SBU) Many hundreds of North Koreans have successfully contacted South Korean institutions (churches, businesses, community organizations or the Embassy) and been able to travel to South Korea, according to ROK Embassy contacts. Hundreds (or possibly thousands) have ended their journeys by exiting Vietnam and then flying to South Korea from Cambodia, Singapore or Thailand, and hundreds have made the trip directly, including 468 North Koreans who flew from Ho Chi Minh City to Seoul on a charter flight in July 2004. Following this incident, the GVN cracked down on North Koreans in Vietnam illegally; however, in October 2004 and again in January 2005 the GVN again permitted groups of North Koreans who had taken refuge in the South Korean, Swedish and French Embassies in Hanoi to travel directly to Seoul.

4. (SBU) For years, the GVN has attempted to reconcile its political friendship with Pyongyang with its responsibility to protect vulnerable populations, including North Korean refugees entering Vietnam overland from China. The uneasy compromise has been to turn a blind eye to North Korean refugees as long as they do not stop and request asylum or refugee status while in Vietnam. This allows the GVN to facilitate the travel of North Korean refugees without politically antagonizing the North Korean government.

Challenges when/if North Koreans Present Themselves at the U.S. Embassy or Consulate

5. (SBU) The initial challenge we have at the U.S. Embassy in Hanoi is that there is physically no space to shelter securely any potential asylum-seekers. The employee lunchroom or the conference room might suffice for a brief period, but these areas lack sufficient sanitary facilities (a single toilet in a hallway nearby) and are behind the hardline and would therefore require full-time security escorts. North Koreans presenting themselves at the U.S. Embassy could need shelter inside U.S. facilities to avoid being arrested and deported (most likely to China) by GVN security forces. If this happened, resolution of the situation through negotiation with the GVN and other

relevant actors could take two weeks or more.

16. (SBU) The U.S. Embassy does not have the funds to supply food and other necessities to any long-term visitors. We currently lack policy guidance on this possibility. U.S. Consulate General Ho Chi Minh City shares the same problems as Embassy Hanoi with regard to a lack of facilities, personnel and funds to care for any North Koreans who might need refuge on USG property.

Host Government Attitude towards Vietnam-based Programs

17. (SBU) The GVN would not support the establishment of a U.S. refugee resettlement program for North Koreans on Vietnamese territory. Vietnam officially considers North Korea a "traditional friend" and views the recognition of North Koreans as refugees to be a kind of interference in North Korea's internal affairs. The GVN's (often overlooked) policy is to arrest and deport any North Korean who requests asylum in Vietnam; it would not cooperate in a program to resettle them officially.

18. (SBU) Similarly, the GVN would reject the suggestion of overt U.S. assistance to North Koreans in its territory. The GVN refuses to acknowledge the presence of North Korean refugees in Vietnam, saying only that some North Koreans enter Vietnam illegally by posing as Chinese. To allow the USG to provide assistance to North Koreans would complicate Vietnam-North Korea relations and would require the GVN to ignore its fears of pull factors attracting more refugees to Vietnam.

19. (SBU) Previous practice indicates, however, that the GVN is willing at times to turn a blind eye to the efforts of South Korean organizations to assist North Korean refugees in Vietnam. U.S. programs that assisted these organizations discreetly and indirectly through their parent organizations in South Korea could have a positive impact on the situation of refugees in Vietnam.

MARINE